

[STAFF WORKING DRAFT]

AUGUST 4, 2010

111TH CONGRESS
2^D SESSION

S. _____

To amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST —, 2010

Mr. ROCKEFELLER (for himself, Mr. _____, and Mr. _____) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Public Safety Spectrum and Wireless Innovation Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—NATIONWIDE INTEROPERABLE PUBLIC SAFETY
BROADBAND NETWORK

Sec. 101. Establishment of network.

Sec. 102. Reallocation of D block to public safety.

Sec. 103. Flexible use of narrowband spectrum.

Sec. 104. Secondary use of public safety spectrum.

Sec. 105. Interoperability.

Sec. 106. Commercial network roaming and priority access.

Sec. 107. Advisory board.

TITLE II—FUNDING

Sec. 201. Establishment of funds.

Sec. 202. Public safety interoperable broadband network construction.

Sec. 203. Public safety interoperable broadband maintenance and operation.

Sec. 204. Incentive spectrum auction authority.

Sec. 205. Report on efficient use of public safety spectrum.

Sec. 206. GAO report on satellite broadband.

Sec. 207. Access to GSA schedules.

Sec. 208. Federal infrastructure sharing.

Sec. 209. Audits.

Sec. 210. Antidiversion prohibition.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) 700 MHZ BAND.—The term “700 MHz
9 band” means the portion of the electromagnetic
10 spectrum between the frequencies from 698 mega-
11 hertz to 806 megahertz.

12 (2) 700 MHZ D BLOCK SPECTRUM.—The term
13 “700 MHz D block spectrum” means the portion of
14 the electromagnetic spectrum between the fre-

1 quencies from 758 megahertz to 763 megahertz and
2 between the frequencies from 788 megahertz to 703
3 megahertz.

4 (3) ASSISTANT SECRETARY.—The term “Assist-
5 ant Secretary” means the Assistant Secretary of
6 Commerce for Communications and Information.

7 (4) COMMISSION.—The term “Commission”
8 means the Federal Communications Commission.

9 (5) CONSTRUCTION FUND.—The term “con-
10 struction fund” means the fund established in sec-
11 tion 201(a)(1)(A).

12 (6) EXISTING PUBLIC SAFETY BROADBAND
13 SPECTRUM.—The term “existing public safety
14 broadband spectrum” means the portion of the elec-
15 tromagnetic spectrum between the frequencies from
16 763 megahertz to 768 megahertz and between the
17 frequencies from 793 megahertz to 798 megahertz.

18 (7) MAINTENANCE AND OPERATION FUND.—
19 The term “maintenance and operation fund” means
20 the fund established in section 201(a)(2)(A).

21 (8) NARROWBAND SPECTRUM.—The term
22 “narrowband spectrum” means the portion of the
23 electromagnetic spectrum between the frequencies
24 from 769 megahertz to 775 megahertz and between

1 the frequencies from 799 megahertz to 805 mega-
2 hertz.

3 (9) NTIA.—The term “NTIA” means the Na-
4 tional Telecommunications and Information Admin-
5 istration.

6 **TITLE I—NATIONWIDE INTER-**
7 **OPERABLE PUBLIC SAFETY**
8 **BROADBAND NETWORK**

9 **SEC. 101. ESTABLISHMENT OF NETWORK.**

10 (a) IN GENERAL.—The Commission shall take all ac-
11 tions necessary to ensure the deployment of a nationwide
12 public safety interoperable broadband network in the 700
13 MHz band, including—

14 (1) developing and implementing nationwide
15 technical and operational requirements for the net-
16 work;

17 (2) adopting any rules necessary to achieve
18 interoperability in the network; and

19 (3) adopting user authentication and encryption
20 requirements for the network.

21 (b) COVERAGE.—The Commission shall ensure that
22 the network is deployed and interoperable in rural, as well
23 as urban, areas, including necessary build out of commu-
24 nications infrastructure in rural areas to accommodate
25 network access and functionality.

1 **SEC. 102. REALLOCATION OF D BLOCK TO PUBLIC SAFETY.**

2 (a) REALLOCATION OF D BLOCK.—

3 (1) IN GENERAL.—The Commission shall reallo-
4 cate the 700 MHz D block spectrum for use by pub-
5 lic safety entities in accordance with the provisions
6 of this Act.

7 (2) SPECTRUM ALLOCATION.—Section 337(a)
8 of the Communications Act of 1934 (47 U.S.C.
9 337(a)) is amended—

10 (A) by striking “24” in paragraph (1) and
11 inserting “34”; and

12 (B) by striking “36” in paragraph (2) and
13 inserting “26”.

14 (b) INTEGRATION WITH EXISTING PUBLIC SAFETY
15 BROADBAND SPECTRUM.—The Commission shall—

16 (1) determine the licensing for the 700 MHz D
17 block spectrum reallocated under section 337 of the
18 Communications Act of 1934 (47 U.S.C. 337), as
19 amended by subsection (a);

20 (2) determine how best to integrate the 700
21 MHz D block spectrum reallocated with the existing
22 public safety spectrum; and

23 (3) determine whether the 20 megahertz of
24 public safety broadband spectrum should be licensed
25 on a nationwide, regional, or statewide basis, or

1 some combination thereof, in accordance with the
2 public interest.

3 **SEC. 103. FLEXIBLE USE OF NARROWBAND SPECTRUM.**

4 The Commission shall allow the narrowband spec-
5 trum to be used in a flexible manner, including usage for
6 public safety broadband communications, subject to such
7 technical and interference protection measures as the
8 Commission may require.

9 **SEC. 104. SECONDARY USE OF PUBLIC SAFETY SPECTRUM.**

10 (a) IN GENERAL.—Notwithstanding section 337 of
11 the Communications Act of 1934 (47 U.S.C. 337), the
12 Commission may authorize any public safety licensee or
13 licensees to allow access to spectrum licensed to such li-
14 censee or licensees to non-public safety governmental
15 users, commercial users, utilities, including organizations
16 providing or operating critical infrastructure, including
17 electric, gas, and water utilities, and other Federal agen-
18 cies and departments.

19 (b) LIMITATIONS AND CONDITIONS.—The Commis-
20 sion shall—

21 (1) authorize the provision of access to such
22 spectrum only on a secondary basis;

23 (2) require secondary access agreements to be
24 in writing and to be submitted to the Commission
25 for review and approval;

1 (3) require that the public safety entity retain
2 the right to use any such spectrum on a primary,
3 preemptible basis;

4 (4) consider whether it is in the public interest
5 to require multiple secondary leases per licensee; and

6 (5) require that all funds received from such
7 secondary access pursuant to such written agree-
8 ments be reinvested in the public safety interoper-
9 able broadband network by using such funds only
10 for constructing, maintaining, improving, or pur-
11 chasing equipment to be used in conjunction with
12 the network, by deposit into the Maintenance and
13 Operation Fund established by section 201 or other-
14 wise.

15 **SEC. 105. INTEROPERABILITY.**

16 (a) IN GENERAL.—The Commission shall ensure that
17 the nationwide public safety broadband network is fully
18 interoperable on a nationwide basis.

19 (b) TECHNICAL AND OPERATIONAL RULES.—

20 (1) INSURING INTEROPERABILITY.—The Com-
21 mission shall establish technical and operational
22 rules to ensure nationwide interoperability, including
23 rules that—

1 (A) establish requirements for nationwide
2 roaming ability among any licensee, licensees,
3 lessees, and secondary users;

4 (B) will ensure the safety of State
5 broadband public safety networks, including re-
6 quirements for protecting and monitoring the
7 network to protect against cyber-attack;

8 (C) will promote competition in the device
9 market for public safety communications by re-
10 quiring devices for use on a public safety net-
11 work to be—

12 (i) built to open standards;

13 (ii) capable of being used by any ven-
14 dor and across all public safety systems;
15 and

16 (iii) backward-compatible with exist-
17 ing second and third generation commer-
18 cial networks;

19 (D) authorize public safety entities to exe-
20 cute partnerships with other public or private
21 entities to build or operate the State's public
22 safety broadband network;

23 (E) encourage public safety entities to uti-
24 lize, to the greatest extent possible, existing

1 commercial, State, or Federal government in-
2 frastructure;

3 (F) will ensure that the interoperability
4 plan includes integration with 9-1-1 call cen-
5 ters; and

6 (G) require any licensee or licensees to file
7 annual reports on—

8 (i) the status of public safety
9 broadband network construction and inter-
10 operability; and

11 (ii) the status and deployment of ex-
12 isting public safety broadband and
13 narrowband systems.

14 (2) FACTORS TO BE CONSIDERED.—In car-
15 rying out paragraph (1), the Commission shall, at a
16 minimum, consider—

17 (A) the extent to which particular tech-
18 nologies and user equipment are, or are likely
19 to be, available in the commercial marketplace;

20 (B) the availability of necessary tech-
21 nologies and equipment on reasonable and non-
22 discriminatory licensing terms; and

23 (C) the ability of particular technologies
24 and equipment—

1 (i) to evolve with technological devel-
2 opments in the commercial marketplace;
3 and

4 (ii) to accommodate prioritization for
5 public safety transmissions.

6 (c) RFP STANDARDS.—

7 (1) IN GENERAL.—The Commission shall estab-
8 lish procedural and substantive requirements for re-
9 quests for proposals related to the nationwide public
10 safety broadband network that—

11 (A) require such requests to meet the tech-
12 nical requirements under subsection (b) that
13 ensure interoperability of the broadband net-
14 work to which it relates and ensure that noth-
15 ing will interfere with such interoperability;

16 (B) limit the authority for issuing such re-
17 quests to States or multi-State organizations,
18 except to the extent delegated to an agency or
19 political subdivision;

20 (C) will ensure that the request-for-pro-
21 posals process is open, transparent, and com-
22 petitive;

23 (D) require any such request—

24 (i) to be issued on a Statewide or
25 multi-State basis and to be coordinated

1 with the appropriate State chief executive
2 or the executive's designee;

3 (ii) to demonstrate that the State has
4 a plan for interoperability, with provision
5 for both urban and rural build out; and

6 (iii) to cover any necessary relocation
7 of incumbent narrowband operations in the
8 existing public safety broadband spectrum;

9 (E) authorize States to issue requests for
10 proposals that will build on a State broadband
11 network; and

12 (F) require the term of any contract under
13 the process to be reasonable and, in any event,
14 for less than the term of the underlying license.

15 (2) MODEL RFPS.—The Commission may en-
16 courage the use of the requests-for-proposal model
17 or form developed by the Government Accountability
18 Office under section 207 of this Act.

19 (d) RURAL BUILD OUT REQUIREMENTS.—The Com-
20 mission shall—

21 (1) establish rural build out targets for the pub-
22 lic safety broadband network, including targets for
23 States or smaller areas;

24 (2) require contracts awarded through the re-
25 quest-for-proposals process in connection with the

1 network to include deployment phases with substan-
2 tial rural coverage milestones as part of each phase
3 where appropriate; and

4 (3) in collaboration with the Assistant Sec-
5 retary, make funding for each build out phase after
6 the first contingent on meeting build out targets for
7 the preceding phase to the extent feasible.

8 (e) DEVELOPMENT AND MAINTENANCE OF INTER-
9 OPERABILITY, SECURITY, AND FUNCTIONALITY STAND-
10 ARDS.—The Commission and through agreements exe-
11 cuted with the National Institute of Standards and Tech-
12 nology, shall develop, maintain, and update such require-
13 ments and standards as may be necessary to ensure inter-
14 operability, security, and functionality.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Commission, for
17 use by the Emergency Response and Interoperability Cen-
18 ter in carrying out its responsibilities under this Act,
19 \$5,500,000 for each of fiscal years 2012 through 2017.

20 **SEC. 106. COMMERCIAL NETWORK ROAMING AND PRIORITY**
21 **ACCESS.**

22 The Commission may adopt rules, if necessary in the
23 public interest, to improve the ability of public safety net-
24 works to roam onto commercial networks and to gain pri-
25 ority access to commercial networks in an emergency if—

1 (1) the public safety entity equipment is tech-
2 nically compatible with the commercial network;

3 (2) the commercial network is reasonably com-
4 pensated; and

5 (3) it is consistent with the public interest.

6 **SEC. 107. PUBLIC SAFETY ADVISORY BOARD.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of enactment of this Act, the Commission shall estab-
9 lish a public safety advisory board to advise the Commis-
10 sion on—

11 (1) carrying out its duties under section 101;
12 and

13 (2) the implementation of improvements to the
14 public safety interoperable broadband network under
15 that section.

16 (b) COMPOSITION.—The Commission shall determine
17 the composition of the advisory board, which shall include,
18 at a minimum, representatives from each of the following:

19 (1) State, local, and tribal governments.

20 (2) Public safety organizations.

21 (3) Providers of commercial mobile service.

22 (4) Manufacturers of communications equip-
23 ment.

1 (c) REPORTS.—The Commission shall consult with
2 the advisory board on any study or report on public safety
3 spectrum.

4 (d) FACA INAPPLICABLE.—The Federal Advisory
5 Committee Act (5 U.S.C. App.) shall not apply to the
6 advisory board.

7 (e) TERMINATION.—The advisory board shall termi-
8 nate 10 years after the date of enactment of this Act.

9 **TITLE II—FUNDING**

10 **SEC. 201. ESTABLISHMENT OF FUNDS.**

11 (a) IN GENERAL.—

12 (1) CONSTRUCTION FUND.—

13 (A) ESTABLISHMENT.—There is estab-
14 lished in the Treasury of the United States a
15 fund to be known as the Public Safety Inter-
16 operable Broadband Network Construction
17 Fund.

18 (B) PURPOSE.—The Assistant Secretary
19 shall establish and administer the grant pro-
20 gram under section 202 using the funds depos-
21 ited in the Construction Fund.

22 (C) CREDIT.—

23 (i) BORROWING AUTHORITY.—The
24 Assistant Secretary may borrow from the
25 general fund of the Treasury beginning on

1 October 1, 2010, such sums as may be
2 necessary, but not to exceed
3 \$2,000,000,000, to implement section 202.

4 (ii) REIMBURSEMENT.—The Secretary
5 of the Treasury shall reimburse the general
6 fund of the Treasury, without interest, for
7 any amounts borrowed under clause (i) as
8 funds are deposited into the Construction
9 Fund, but in no case later than December
10 31, 2014.

11 (2) MAINTENANCE AND OPERATION FUND.—

12 (A) ESTABLISHMENT.—There is estab-
13 lished in the Treasury of the United States a
14 fund to be known as the Public Safety Inter-
15 operable Broadband Network Maintenance and
16 Operation Fund.

17 (B) PURPOSE.—The Commission shall use
18 the funds deposited in the Maintenance and Op-
19 eration Fund to carry out section 203.

20 (b) TRANSFER OF FUNDS AT COMPLETION OF CON-
21 STRUCTION.—The Secretary of the Treasury shall transfer
22 to the Maintenance and Operation Fund any funds re-
23 maining in the Construction Fund after the date of the
24 completion of the construction phase, as determined by the
25 Assistant Secretary.

1 (c) TRANSFER OF FUNDS TO THE TREASURY.—The
2 Secretary of the Treasury shall transfer to the general
3 fund of the Treasury any funds remaining in the Mainte-
4 nance and Operation Fund after the end of the 10-year
5 period that begins after the date of the completion of the
6 construction phase, as determined by the Assistant Sec-
7 retary.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) CONSTRUCTION FUND.—There are author-
10 ized to be appropriated to the Assistant Secretary
11 for deposit in the Construction Fund in and after
12 fiscal year 2012 such as sums as necessary subject
13 to paragraph (3).

14 (2) MAINTENANCE AND OPERATION FUND.—
15 There are authorized to be appropriated to the Com-
16 mission for deposit in the Maintenance and Oper-
17 ation Fund in and after fiscal year 2012 such as
18 sums as necessary subject to paragraph (3).

19 (3) LIMITATION.—The authorization of appro-
20 priations under paragraphs (1) and (2) may not ex-
21 ceed a total of \$11,000,000,000.

22 **SEC. 202. PUBLIC SAFETY INTEROPERABLE BROADBAND**
23 **NETWORK CONSTRUCTION.**

24 (a) CONSTRUCTION GRANT PROGRAM ESTABLISH-
25 MENT.—The Assistant Secretary, in consultation with the

1 Commission, shall take such action as is necessary to es-
2 tablish a grant program to assist public safety entities to
3 establish a nationwide public safety interoperable
4 broadband network in the 700 MHz band.

5 (b) PROJECTS.—Grants may be made under this sec-
6 tion for the construction of a public safety interoperable
7 broadband network, including improvement of existing
8 commercial and noncommercial networks and facilities
9 and construction of new infrastructure to meet public safe-
10 ty requirements, as defined by the Commission, that oper-
11 ate as part of the public safety interoperable broadband
12 network in the 700 MHz band.

13 (c) MATCHING REQUIREMENTS.—

14 (1) FEDERAL SHARE.—

15 (A) IN GENERAL.—The Federal share of
16 the cost of carrying out a project under this
17 section may not exceed 80 percent of the eligi-
18 ble costs of carrying out a project, as deter-
19 mined by the Assistant Secretary in consulta-
20 tion with the Commission.

21 (B) WAIVER.—The Assistant Secretary
22 may waive, in whole or in part, the require-
23 ments of subparagraph (A) for good cause
24 shown if it determines that such a waiver is in
25 the public interest.

1 (2) NON-FEDERAL SHARE.—The non-Federal
2 share of the cost of carrying out a project under this
3 section may be provided through an in-kind con-
4 tribution.

5 (d) REQUIREMENTS.—Not later than 6 months after
6 the date of enactment of this Act, the Assistant Secretary,
7 in consultation with the Commission, shall establish grant
8 program requirements including the following:

9 (1) Demonstrated compliance with applicable
10 Commission request-for-proposal and license terms
11 and service rules, including interoperability and
12 technical rules, construction requirements, and sec-
13 ondary use rules.

14 (2) Defining entities that are eligible to receive
15 a grant under this section.

16 (3) Defining eligible costs for purposes of sub-
17 section (c)(1).

18 (4) Determining the scope of network infra-
19 structure eligible for grant funding under this sec-
20 tion.

21 (5) Prioritizing grants for projects that ensure
22 coverage in rural as well as urban areas.

1 **SEC. 203. PUBLIC SAFETY INTEROPERABLE BROADBAND**
2 **MAINTENANCE AND OPERATION.**

3 (a) MAINTENANCE AND OPERATION REIMBURSE-
4 MENT PROGRAM.—The Commission shall administer a
5 program through which not more than 50 percent of main-
6 tenance and operational expenses associated with the pub-
7 lic safety interoperable broadband network may be reim-
8 bursed from the Maintenance and Operation Fund for
9 those expenses that are attributable to the maintenance,
10 operation, and improvement of the public safety interoper-
11 able broadband network.

12 (b) REPORT.—Not later than 7 years after the date
13 of enactment of this Act, the Commission shall submit to
14 Congress a report on whether to continue to provide fund-
15 ing for the Maintenance and Operation Fund after the end
16 of the 10-year period that begins after the date of the com-
17 pletion of the construction phase, as determined by the
18 Assistant Secretary.

19 **SEC. 204. AUCTION OF SPECTRUM.**

20 (a) IN GENERAL.—

21 (1) IDENTIFICATION OF SPECTRUM.—Not later
22 than 1 year after the date of enactment of this Act,
23 the Assistant Secretary shall identify, at a minimum,
24 25 megahertz of contiguous spectrum at frequencies
25 located between 1675 megahertz and 1710 mega-

1 hertz, inclusive, to be made available for immediate
2 reallocation.

3 (2) AUCTION.—Not later than January 31,
4 2013, the Commission shall conduct the auction of
5 the licenses, by commencing the bidding, for the fol-
6 lowing:

7 (A) The spectrum between the frequencies
8 of 2155 megahertz and 2180 megahertz, inclu-
9 sive.

10 (B) The spectrum identified pursuant to
11 paragraph (1).

12 (3) PROCEEDS.—The proceeds (including de-
13 posits and up front payments from successful bid-
14 ders) from the auction shall be deposited in the Con-
15 struction Fund.

16 (b) INCENTIVE SPECTRUM AUCTION AUTHORITY.—

17 (1) IN GENERAL.—Paragraph (8) of section
18 309(j) of the Communications Act of 1934 (47
19 U.S.C. 309(j)) is amended—

20 (A) by striking “(B), (D), and (E),” in
21 subparagraph (A) and inserting “(B), (D), (E),
22 and (F),”; and

23 (B) by adding at the end thereof the fol-
24 lowing:

25 “(F) INCENTIVE AUCTION AUTHORITY.—

1 “(i) AUTHORITY.—The Commission
2 may If the Commission determines that it
3 is consistent with the public interest in uti-
4 lization of the spectrum for a licensee to
5 relinquish voluntarily some or all of its li-
6 censed spectrum usage rights in order to
7 permit the assignment of new initial li-
8 censes subject to new service rules, the
9 Commission may disburse to that licensee
10 a portion of the auction proceeds related to
11 the new use that the Commission deter-
12 mines, in its discretion, are attributable to
13 the licensee’s relinquished spectrum usage.

14 “(ii) PROCEEDS FOR FUNDS.—Not-
15 withstanding subparagraph (A), the pro-
16 ceeds (including deposits and up front pay-
17 ments from successful bidders) from the
18 use of a competitive bidding system under
19 this subsection with respect to relinquished
20 spectrum, after deduction of any amounts
21 disbursed to the relinquishing licensee,
22 shall be deposited as follows:

23 “(I) All proceeds less than or
24 equal to \$5,500,000,000 shall be de-
25 posited in the Construction Fund and

1 shall be made available to the Assist-
2 ant Secretary without further appro-
3 priations.

4 “(II) Any proceeds exceeding
5 \$5,500,000,000 shall be deposited in
6 the Maintenance and Operation Fund
7 and shall be made available to the
8 Commission without further appro-
9 priations.

10 “(III) Any proceeds exceeding
11 \$11,000,000,000 shall be made avail-
12 able, as provided by appropriation
13 Acts, for growth-enhancing infrastruc-
14 ture projects, including the NextGen
15 aviation navigation system, develop-
16 ment of high-speed rail transpor-
17 tation, and Smart Grid electrical
18 power transmission and management
19 technology.”.

20 (c) EXTENSION OF AUCTION AUTHORITY.—Section
21 309(j)(11) of the Communications Act of 1934 (47 U.S.C.
22 309(j)(11)) is amended by striking “2012” and inserting
23 “2020”.

24 (d) LIMITATION.—

1 (3) assess the opportunity for return of any
2 spectrum to the Commission for auction to commer-
3 cial providers to provide revenue to the Treasury of
4 the United States.

5 **SEC. 206. GAO REPORT ON SATELLITE BROADBAND.**

6 Not later than 2 .years after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall conduct a study and submit to Congress a report
9 on the current and future capabilities of fixed and mobile
10 satellite broadband to assist public safety entities during
11 an emergency.

12 **SEC. 207. ACCESS TO GSA SCHEDULES.**

13 The Administrator of General Services shall—

14 (1) establish rules under which public safety en-
15 tities may access and use the rates offered to the
16 General Services Administration for communications
17 services and devices;

18 (2) develop and furnish to the Commission a
19 model request-for-proposals form for public safety
20 use under section 105; and

21 (3) develop a procedure under which public
22 safety entities are authorized to purchase from es-
23 tablished GSA schedules.

1 **SEC. 208. FEDERAL INFRASTRUCTURE SHARING.**

2 The Administrator of General Services shall establish
3 rules to allow any public safety licensee or licensees to
4 have access to Federal infrastructure to construct and
5 maintain the public safety interoperable broadband net-
6 work.

7 **SEC. 209. AUDITS.**

8 (a) IN GENERAL.—Not later than 3 years after the
9 date of enactment of this Act, and every 3 years there-
10 after, the Comptroller General of the United States shall
11 perform an audit of the financial statements, records, and
12 accounts of the—

13 (1) Public Safety Interoperable Broadband Net-
14 work Construction Fund established under section
15 201(a)(1);

16 (2) Public Safety Interoperable Broadband Net-
17 work Maintenance and Operation Fund established
18 under section 201(a)(2);

19 (3) construction grant program established
20 under section 202; and

21 (4) maintenance and operation program estab-
22 lished under section 203.

23 (b) GAAP.—Each audit required under subsection
24 (a) shall be conducted in accordance with generally accept-
25 able accounting procedures.

1 (c) REPORT TO CONGRESS.—A copy of each audit re-
2 quired under subsection (a) shall be submitted to the ap-
3 propriate committees of Congress.

4 **SEC. 210. ANTIDIVERSION PROHIBITION.**

5 Except as provided in section 309(j)(8)(F)(ii)(III) of
6 the Communications Act of 1934, as added by this Act,
7 no funds made available under this Act or any amendment
8 made by this Act may be used for any purpose other than
9 in support of the nationwide public safety interoperable
10 broadband network to be deployed under this Act, includ-
11 ing the acquisition, construction, or reconstruction of in-
12 frastructure and facilities, the purchase of equipment and
13 services, including hardware, software, and training, in ac-
14 cordance with rules established by the Commission.

○